

Body Corporate and Community Management and Other Legislation Amendment Bill 2023

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I have a back ground as a body corporate manager and a management right owner over 10 years.

As a body corporate manager I observed varying standards of performance from building managers towards their body corporate and committee with little ability for the body corporate to bring the building manager to account for his/ her performance under their contract. I encourage any changes that give the body Corporate some improved leverage in this regard. The BCCM commissioners role and function as an arbiter in body corporate disputes is the most obvious avenue to provide further processes of redress where contractors ignore their obligations under their contract with the body corporate. I understand the difficulty is that the commissioner can not currently deal breaches of a commercial contract, that resides with QCAT. This should be considered for amendment providing for a further body within the commissioners office appropriately staffed and empowered to make rulings to enforce the performance of managers contracts. Secondly, as an onsite manager I have experienced the problems that arise from interference of a residents 'peaceful' enjoyment of their lot in regards to noise, smoking and pets. I encourage the amendments to deal with the impact of secondary cigarette smoke of lot owners choosing to smoke on balconies and common areas where they cannot control the smoke drift. The same arguments that have been listened to with smoking should also be applied to pets. It is a contradiction that smoking cannot impact fellow residents but pets can through barking dogs and excrement left on common property or urine in common foyers. I have dealt with these issues in bodies corporates I have managed. Pet owners claim its not their pet but where has the 'puddle' or excrement come from or the smells that develop in foyer carpets. I managed one large building of 180 units that initially had no pets. Residents just brought pets in without the proper application to the committee ignoring the correct by law process and this I can assure you is because the commissioner set this 'assumption' up when he ruled that it is unreasonable to deny a pet to reside with a resident. There is no balancing what the over all residents want in this regard in a typical democratic process. This is not necessarily anti pet by people, but more that the confines of an apartment in many body corporate structures are not conducive to the keeping of animals in an appropriate environment for the animals overall well being. Consideration for buildings to vote on a majority basis on having pets or not should be reviewed to remove the discrimination against those who want a pet free environment which is not provided for. Pet owners have all the control to the degree that just one pet owner usurps the democratic choices of everyone else. Currently pet owners can go anywhere while those who want to live in apartments / community structures without pets have no choices at all. There are apartment residents who would like a pet free environment but had pets when they lived in a residential situation with a yard. It is not a case of apartment residents being against pets, its more about the environment pets are subjected to.